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| TO: | Examiner: Basi | FROM: | SHELLY GUEST CERMAK |
| FAX: | 703.872.9306 | REF. NO: | US-1280 |
| VOICE: | | PAGES | 15 (incl. this sheet) |
| App. No.: | 09/868,338 | DATE: | January 4, 2005 |

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1. This facsimile cover sheet (1 page)
2. Amendment transmittal letter (2 pages)
3. Amendment and Response under 37 C.F.R. § 1.111 (12 pages)



Shelly Guest Cermak
Registration Number 39,571

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January 4, 2005

Mail Stop Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA. 22313-1450

In re application of: Kanno et al.
 Application. No.: 09/868,338
 Filing Date: June 18, 2001
 Atty. Docket No. US-1280
 Title: ABC TRANSPORTER AND GENE ENCODING SAME

Sir:

Transmitted herewith is an Amendment in the above-identified application. Please find enclosed:

- ☒ Amendment and Request for Reconsideration: 12 pages.
☐ Petition for Extension of time from the Office Action, mailed , months to :
 pages
☐ Information Disclosure Statement: pages.
☐ PTO-1449: pages.
☐ cited references.
☐ PTO-2038 Credit Card Payment Form (fee calculated as shown below): pages.
☐ Other:
☐ A fee is required, as calculated below:

| | (Col. 1) | | (Col. 2) | (Col. 3) |
|--------------------------------------------------------------------------|-------------------------------------------------|-------|------------------------------------------------|--------------|
| | <i>Claims Remaining After Amendment</i> | | <i>Highest No. Previously Paid For</i> | <i>Extra</i> |
| <i>Total</i> | | minus | | 0 |
| <i>Indep.</i> | | minus | | |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claims | | | | |

SMALL ENTITY

| <i>Rate</i> | <i>Fee</i> |
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| x \$9 = | \$ |
| x \$43 = | \$ |
| + \$145= | \$ |
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LARGE ENTITY

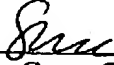
| <i>Rate</i> | <i>Fee</i> |
|--------------|------------|
| x \$18 = | \$ |
| x \$86 = | \$ |
| +\$290 = | \$ |
| Total | \$ |

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
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- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,


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Date: January 4, 2005

JAN 04 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kanno et al.

Art Unit: 1646

Application No.: 09/868,338

Examiner: Basi

Filing Date: June 18, 2001

Attorney Ref. No.: US-1280

For: ABC TRANSPORTER AND GENE
ENCODING SAME**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated October 6, 2004, which set a 3-month shortened statutory period for response thereto, please amend the above-captioned patent application as follows.

Amendments to the claims begin on page 2.

Remarks begin on page 6.